

PITTA & DREIER LLP  
499 Park Avenue  
New York, New York 10022  
(212) 652-3890  
BRUCE COOPER (BC 2764)  
JANE LAUER BARKER (JB 5436)  
*Attorneys for Defendant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HORIZON HEALTHCARE SERVICES, INC.,  
HORIZON HEALTHCARE OF NEW YORK, INC. and  
RAYANT INSURANCE COMPANY OF NEW YORK  
f/k/a HORIZON HEALTHCARE INSURANCE  
COMPANY OF NEW YORK,

Plaintiffs,

- against -

LOCAL 272 LABOR MANAGEMENT WELFARE  
FUND,

Defendant.

**SUBMISSION OF  
REMOVING DEFENDANT**

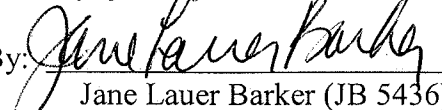
08-CV-4428 (LTS) (RLE)

In accordance with the Initial Conference Order entered May 20, 2008, removing defendant, LOCAL 272 WELFARE FUND (the "Fund"), by its attorneys, states:

- a. The Fund is the only defendant and is the removing defendant.
- b. The notice of removal was filed within thirty days after the Fund was served.
- c. and d. The action was not removed on grounds of diversity jurisdiction.

Dated: May 21, 2008  
New York, New York

PITTA & DREIER LLP  
*Attorneys for Defendant*

By:   
Jane Lauer Barker (JB 5436)  
499 Park Avenue  
New York, New York 10022  
(212) 652-3890

PITTA & DREIER LLP  
499 Park Avenue  
New York, New York 10022  
(212) 652-3890  
BRUCE COOPER (BC 2764)  
JANE LAUER BARKER (JB 5436)  
*Attorneys for Defendant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HORIZON HEALTHCARE SERVICES, INC., HORIZON  
HEALTHCARE OF NEW YORK, INC. and RAYANT  
INSURANCE COMPANY OF NEW YORK f/k/a HORIZON  
HEALTHCARE INSURANCE COMPANY OF NEW YORK,

Plaintiffs,

- against -

LOCAL 272 LABOR MANAGEMENT WELFARE FUND,

Defendant.

**AFFIDAVIT OF SERVICE**

08-CV-4428 (LTS) (RLE)

STATE OF NEW YORK )

s.s.

COUNTY OF NEW YORK )

MICHELLE WILLIAMS, being duly sworn, deposes and says:


That deponent is not a party to this action, is over eighteen years of age and resides in North Brunswick, New Jersey.

That on the **21<sup>st</sup> day of May, 2008** deponent served by first class mail the **SUBMISSION OF REMOVING DEFENDANT** thereof upon:

**David Jay, Esq.**  
**Peter Gallagher, Esq**  
Greenberg Traurig  
200 Park Avenue  
New York, NY 10166

  
Michelle Williams

Sworn to before me this  
21<sup>st</sup> day of May 2008

  
Notary Public

**Jane L. Barker**  
**Notary Public, State of New York**  
No. 02BA6144861  
Qualified in Westchester County  
Commission Expires May 1, 2011